



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2310

DATE SCANNED 5/18/11

SCANNER NO. 2

SCAN OPERATOR SES

11092653267



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 10, 2011

MEMORANDUM

11092653268

TO: The Commission

THROUGH: Alec Palmer
Acting Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Jodi Winship/Sari Pickerall *JP*
Compliance Branch

SUBJECT: Withdrawal and Resubmission of Reason To Believe Recommendation -
2010 12 Day Pre-General Report (Unauthorized Quarterly Filers) for the
Administrative Fine Program

We are withdrawing the document circulated to the Commission on March 9, 2011 in order to remove a monthly filing committee which was included on the list in error. The committee was previously included on the Reason to Believe Recommendation for the 2010 12 Day Pre-General Report (Unauthorized Monthly Filers) which was approved by the Commission on February 2, 2011.

Attached is a list of political committees and their treasurers who failed to file or timely file the 2010 12 Day Pre-General Report in accordance with 2 U.S.C. § 434(a). The list is comprised of unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2010 through October 13, 2010, and failed to file or timely file the 2010 12 Day Pre-General Report.

The committees appearing on the 2010 12 Day Pre-General Report list failed to file the report prior to four (4) days before the General Election (considered a non-filed report). In accordance with 11 C.F.R. § 111.43, these committees should be assessed the civil money penalties indicated in the attachments.

As noted above, the 2010 12 Day Pre-General Report circulation list includes unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2010 through October 13, 2010, but failed to file or timely file the 2010 12 Day Pre-General Election report. In order to accurately identify these committees for administrative fine purposes, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 12 Day Pre-General Report (12G) submitted by an unauthorized quarterly filer was reviewed to ensure that it disclosed General Election contributions or expenditures made during the coverage dates of the report. Any report meeting this definition that was filed late is included in the list. Any report not disclosing general election contributions or expenditures during this period is not included in the list, as it is not a required filing.
- Every 30 Day Post-General Report (30G) submitted by an unauthorized quarterly filer that covered the period from October 1, 2010 through November 22, 2010 (53 days) was reviewed for activity which would have required the filing of a 12G. If our research indicated that a 12G was required, we utilized a three-step method to arrive at the activity on which to base the 12G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 25% (13 days (12G Filing Period)/53 days (30G Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 12G.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Reports.
2. Send the appropriate letters.

11092653270

Federal Election Commission
Reason to Believe Circulation Report

2010 PRE-GENERAL Election Sensitive 10/21/2010 UNAUTH_Q

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2310	C00142315	BOYD GAMING POLITICAL ACTION COMMITTEE		RICK DARNOLD	\$225,302	0	12/3/2010	Not Filed	\$2,700	\$550

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Withdrawal and Resubmission of Reason)
To Believe Recommendation - 2010 12 Day)
Pre-General Report (Unauthorized)
Quarterly Filers) for the Administrative Fine)
Program:)

11092653271

BOYD GAMING POLITICAL ACTION) AF# 2310
COMMITTEE, and DARNOLD, RICK as)
treasurer;)

Federal Election Commission
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Federal Election Commission
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March 11, 2011

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 11, 2011 the Commission took the following actions on the Withdrawal and Resubmission of Reason To Believe Recommendation - 2010 12 Day Pre-General Report (Unauthorized Quarterly Filers) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 10, 2011, on the following committees:

11092653275

AF#2310 Decided by a vote of 6-0 to: (1) find reason to believe that BOYD GAMING POLITICAL ACTION COMMITTEE, and DARNOLD, RICK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter.

Federal Election Commission
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Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Attest:

March 14, 2011

Date

Shawn Woodhead Werth

Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092653281



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 14, 2011

Rick Darnold, in official capacity as Treasurer
Boyd Gaming Political Action Committee
6465 S. Rainbow Blvd.
Las Vegas, NV 89118

C00142315
AF#: 2310

Dear Mr. Darnold:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report is required if your committee makes a contribution to or expenditure on behalf of a candidate in the general election. This report, covering the period through October 13, 2010, shall be filed no later than October 21, 2010. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the General Election held on November 2, 2010, it is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On March 11, 2011, the FEC found that there is reason to believe ("RTB") that Boyd Gaming Political Action Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 21, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$550. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$550 is due within forty (40) days of the finding, or by April 20, 2011, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$2,700

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 2, 2010 are considered not filed for the purpose of calculating the civil money penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or April 20, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Boyd Gaming Political Action Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$550 for the 2010 Pre-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by April 20, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Boyd Gaming Political Action Committee

FEC ID#: C00142315

AF#: 2310

PAYMENT DUE DATE: April 20, 2011

PAYMENT AMOUNT DUE: \$550

11092653285

RECEIVED

BOYD GAMING

2011 MAR 17 AM 10:05

FEC MAIL CENTER

March 16, 2011

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

Re: Notice of civil penalty
Boyd Gaming Political Action Committee
AF#: 2310

Dear Sir or Madam,

This is in response to your inquiry dated March 14, 2011 regarding the assessment of a civil penalty regarding the failure to timely file the 12 Day Pre-General Report of Receipts and Disbursements. Upon review of the receipts and disbursements activity for the period of October 1 through October 13, we have determined that there were no receipts or disbursements during this period. The report has originally filed showed a candidate disbursement of \$2,500 to Ron Klein for Congress on October 1, 2010. Also reported was a receipt dated October 6, 2010 for \$200.

The disbursement to Ron Klein was made actually on September 17, 2010. The receipt of \$200 was received by the Company on September 13, 2010, not October 6th. The administrative assistant who enters the amounts into the FEC filing system incorrectly put the dates that each of these items cleared our bank account instead of the transaction dates which is inconsistent with our historical reporting of receipts and disbursements. Attached are the advices which show the transactional dates for the two items. We have accordingly filed an amended report for the third quarter ended September 30, 2010 to reflect the two transactions which were incorrectly reported on the 12-day Pre General Report. We attempted to file an amended 12-day Pre General Report and the FEC filing system would not process since there was no activity during this period.

We apologize for the reporting errors and our administrative team has been counseled regarding the importance of correctly entering the receipts and disbursements. If you should have any additional questions, please do not hesitate to call me at 702-792-7237 or email me at rickdarnold@boydgaming.com.

Sincerely,



Richard Darnold
Boyd Gaming Political Action Committee Treasurer

Cc: Attachments

11092653286

2011 MAR 17 P 2:56

FEC OFFICE OF
ADMIN REVIEW

Richard Darnold

From: FEC Filing Server <http_db@sdrdc.com>
Sent: Tuesday, March 15, 2011 2:38 PM
To: Richard Darnold
Subject: FEC Electronic Filing Results

DISCLOSE -- FEC Electronic Filing System Notice -- FILING COULD NOT BE PROCESSED!

This is to inform you of the failure of your electronic filing via the DISCLOSE protocol.

Your filing was received at 2011-03-15 17:50:58.000.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

Your filing could not be processed for the following reasons:

The amendment filed by committee C00142315 could not be processed because the report contains fewer than half of the Itemized transactions contained in the original. If the report was filed in error, please correct it and re-file. Otherwise, contact your campaign finance analyst for assistance at (202) 694-1130 or (800) 424-9530 extension 1130.

11092653287



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

March 17, 2011

Rick Darnold, in his official capacity as Treasurer
Boyd Gaming Political Action Committee
6465 S Rainbow Boulevard
Las Vegas, NV 89118

C00142315
AF# 2310

Dear Treasurer:

On March 17, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

11092653288

2011 MAR 22 A 8 01

Date: March 21, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2310

Committee Name: Boyd Gaming Political Action Committee

Committee ID#: C00142315

Committee Address (if different than in RTB letter): N

Treasurer Name (if different than in RTB finding): N

Attachments:

**Copy of RTB Circulation Report, dated March 10, 2011 and RTB Certification,
dated March 11, 2011 (Y/N): Y**

Attachment #: 1

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 2

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 Prior Notice, dated September 27, 2010.

-RTB Letter, dated March 14, 2011.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

11092653289



Delivery Notification

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z WF5 860 A2 9971 954 0
Reference Number(s): RAD
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 03/09/2011
Delivered On: 03/15/2011 9:26 A.M.
Delivered To: 6465 S RAINBOW BLVD
 LAS VEGAS, NV, US 89118
Signed By: DELGADO

Location: RECEIVER

Thank you for giving us this opportunity to serve you.

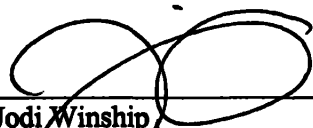
**Sincerely,
UPS**

Tracking results provided by UPS: 03/16/2011 2:52 P.M. ET

Attachment 2

DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Boyd Gaming Political Action Committee:
 - A) Prior Notice, dated September 27, 2010, referencing the Pre-General Election Report (sent via electronic mail to: RICKDARNOLD@BOYDGAMING.COM);
 - B) Reason-to-Believe Letter, dated March 14, 2011, referencing the 2010 12 Day Pre-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Boyd Gaming Political Action Committee filed the 2010 12 Day Pre-General Report with the Commission on December 3, 2010.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 21st day of March, 2011.


Jodi Winship
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACs

September 27, 2010

CURRENT REPORT DUE

I. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 13

REPORT	PERIOD	DEADLINE	FILING DEADLINE
Pre-General ²	10/01/10 - 10/13/10	10/18/10	10/21/10
Post-General	10/14/10 - 11/22/10	12/02/10	12/02/10

II. QUARTERLY FILERS THAT DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 13 ²

REPORT	PERIOD	DEADLINE	FILING DEADLINE
Post-General	10/01/10 - 11/22/10	12/02/10	12/02/10

REPORTING SCHEDULE FOR REMAINDER OF 2010

REPORT	REPORTING PERIOD	REG/COPIES OVERNIGHT MAILING	FILING DEADLINE
Year-End	11/23/10 - 12/31/10	01/31/11	01/31/11

Supplemental Filing Information is available for Parties and PACs.

¹ A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

² Required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

³ Committees that made general election contributions or expenditures before October 1 and did not previously disclose them must also follow Chart I.

2010 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must follow the above charts in order to determine whether they must file a report 12 days before the general election on November 2 (the Pre-General Election Report). All Party Committees and PACs regardless of financial activity, must file a report 30 days after the general election (the Post-General Election Report). See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail.
See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE

Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.30.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the covered period (see page 1 of this notice).

See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]
- Campaign Guide: Party, pp. 143-149 [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4.

- Web Page: 48- and 24-hour periods for independent expenditures for 2010 elections
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2011 MAR 22 P 1:47

SENSITIVE

March 22, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer *fa*
Acting Staff Director

From: Patricia Carmona *pc*
Chief Compliance Officer

Dayna C. Brown *dc*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2310 – Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer (C00142315)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092653295



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 22, 2011

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2310 – Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity
as Treasurer (C00142315)

Summary of Recommendation

Take no further action that the respondents violated 2 U.S.C. § 434(a) and close the file.

Reason-to-Believe Background

On March 11, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-General Report and made a preliminary determination that the civil money penalty was \$550 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on March 14, 2011 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee shall file a pre-election report no later than the 12th day before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election. 2 U.S.C. § 434(a)(4)(A)(ii) and 11 C.F.R. § 104.5(c)(1)(ii). Reports filed electronically must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On March 17, 2011, the Commission received the written response ("challenge") from the Treasurer. The challenge states that upon reviewing the two transactions disclosed on the 12 Day Pre-General Report, it was discovered that the incorrect dates were disclosed. The two transactions occurred during the October Quarterly reporting period and the October Quarterly Report has been amended to include the transactions. The amended 12 Day Pre-General Report removing the transactions was attempted to be filed, however, it would not process because there was no activity for the period. Included with the challenge are a copy of a \$2,500 check dated September 17, 2010, a copy of a \$200 check dated September 13, 2010, a copy of a \$200 deposit slip dated October 6, 2010, as well as a March 15, 2011 email from "FEC Filing Server."

Analysis

The respondents do not deny that the report, as filed, was filed late; rather, they state that the two transactions disclosed on the report were incorrectly disclosed as having occurred during

the 12 Day Pre-General reporting period due to administrative error. The transactions actually occurred during the October Quarterly reporting period, resulting in no activity for the 12 Day Pre-General Report.

The date of receipt shall be the date a person obtains possession of a contribution. 11 C.F.R. § 102.8(a). A contribution shall be considered to be made when the contributor relinquishes control over the contribution. 11 C.F.R. § 110.1(b)(6). The challenge indicates that the dates the two checks cleared the respondents' account were used to disclose the transactions, rather than the date the respective contributions were received and made. Therefore, according to the challenge, the \$200 contribution disclosed on the 12 Day Pre-General Report was actually received by the Committee on September 13, and was incorrectly disclosed according to the October 6 deposit date. The respondents provide a copy of the check dated September 13 and the deposit slip dated October 6. Additionally, the \$2,500 contribution made by the respondents was disclosed according to the October 1 date the check cleared their account, rather than the September 17 date they made the contribution. A copy of the check dated September 17 is included with the challenge. The respondents have amended the 2010 October Quarterly Report covering July 1, 2010 through September 30, 2010 to include the \$200 unitemized contribution and the \$2,500 contribution made to Ron Klein on September 17. The 2010 12 Day Pre-General Report has been amended to disclose \$0 in activity.

As a political committee that is not an authorized committee of a candidate, the respondents were only required to file the 2010 12 Day Pre-General Report if they made contributions or expenditures during the October 1 through October 13 reporting period, in connection with the 2010 general election. 11 C.F.R. § 104.5(c)(1)(ii). Given that the respondents have amended their 12 Day Pre-General Report to disclose no activity for the period, it appears that they were not required to file the 2010 12 Day Pre-General Report. Therefore, the Reviewing Officer recommends that the Commission take no further action and close the file.

OAR Recommendations

- (1) Take no further action in AF# 2310 that Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

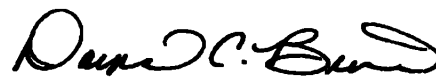
Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents
Attachment 2 – Declaration from RAD
Attachment 3 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 12 Day Pre-General Report is due October 21, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on October 21 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - (a) Page 1 of the Summary Page, and Pages 3 and 4 of the Detailed Summary Page for the 2010 12 Day Pre-General Report electronically filed by Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1 through October 13, 2010 and was received on December 3, 2010. Line 20, Column A lists \$200 in total federal receipts for the reporting period. Line 32, Column A lists \$2,500 in total federal disbursements for the reporting period;
 - (b) Page 1 of the Summary Page, Page 3 of the Detailed Summary Page, and Page 10 of the amended 2010 October Quarterly Report electronically filed by Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from July 1 through September 30, 2010 and was received on March 15, 2011. Line 11(a)(ii) discloses \$200 in unitemized contributions. Page 10, Schedule B discloses a \$2,500 contribution to Ron Klein on September 17, 2010; and
 - (c) Page 1 of the Summary Page, and Pages 3 and 4 of the Detailed Summary Page for the amended 2010 12 Day Pre-General Report electronically filed by Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1 through October 13, 2010 and was received on March 21, 2011. Line 20, Column A lists \$0 in total federal receipts for the reporting period. Line 32, Column A lists \$0 in total federal disbursements for the reporting period.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 22nd of March, 2011.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092653298

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

BOYD GAMING POLITICAL ACTION COMMITTEE

ADDRESS (number and street)

6465 S Rainbow Blvd

Check if different
than previously
reported. (ACC)

LAS VEGAS

NV

89118

2. FEC IDENTIFICATION NUMBER CITY STATE ZIPCODE

C00142315

3. IS THIS REPORT ☒ NEW (N) OR AMENDED (A)

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report(Q1)July 15
Quarterly Report(Q2)October 15
Quarterly Report(Q3)January 31
Quarterly Report(YE)July 31 Mid-Year
Report(Non-election
Year Only) (MY)Termination Report
(TER)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

☒

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

11

04

2010

in the
State of

NV

(d) 30-Day
Post -Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 10 01 2010 through 10 13 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Rick Darnold

Signature of Treasurer Electronically Filed by Rick Darnold

Date 12 03 2010

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3X**
(Rev. 12/2004)

DETAILED SUMMARY PAGE
OF RECEIPTS

FEC Form 3X (Rev. 06/2004)

3 / 6

Write or Type Committee Name

BOYD GAMING POLITICAL ACTION COMMITTEE

Report Covering the Period:

From:

M M D D Y Y W Y
1 0 0 1 2 0 1 0

To:

M M D D Y Y W Y
1 0 1 3 2 0 1 0

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	0.00	125867.28
(ii) Unitemized	200.00	4970.26
(iii) TOTAL (add Lines 11(a)(i) and (ii)	200.00	130837.54
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b) and (c)) (Carry Totals to Line 33, page 5)	200.00	130837.54
12. Transfers From Affiliated/Other Party Committees	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5)	0.00	0.00
16. Refunds of Contributions Made to Federal candidates and Other Political Committees	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.)	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3)	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfer (add 18(a) and 18(b))	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))	200.00	130837.54
20. Total Federal Receipts (subtract Line 18(c) from Line 19)	200.00	130837.54

11092653300

DETAILED SUMMARY PAGE of Disbursements

4 / 6

FEC Form 3X (Rev. 02/2003)

II. DISBURSEMENTS		COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:			
(a) Shared Federal/Non-Federal Activity (from Schedule H4)			
(i) Federal Share.....		0.00	0.00
(ii) Non-Federal Share.....		0.00	0.00
(b) Other Federal Operating Expenditures.....		0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii) and (b)).....		0.00	0.00
22. Transfers to Affiliated/Other Party Committees.....		0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....		2500.00	29000.00
24. Independent Expenditure (use Schedule E)		0.00	0.00
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F).....		0.00	0.00
26. Loan Repayments Made.....		0.00	0.00
27. Loans Made.....		0.00	0.00
28. Refunds of Contributions To:			
(a) Individuals/Persons Other Than Political Committees		0.00	0.00
(b) Political Party Committees		0.00	0.00
(c) Other Political Committees (such as PACs)		0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))		0.00	0.00
29. Other Disbursements.....		0.00	0.00
30. Federal Election Activity (2 U.S.C 431(20))			
(a) Shared Federal Election Activity (from Schedule H6)			
(i) Federal Share		0.00	0.00
(ii) "Levin" Share		0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds		0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))....		0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..		2500.00	29000.00
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....		2500.00	29000.00

11092653301

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINTExample: If typing, type
over the lines

BOYD GAMING POLITICAL ACTION COMMITTEE

ADDRESS (number and street)

6465 S Rainbow Blvd

Check if different
than previously
reported. (ACC)

LAS VEGAS

NV

89118

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

C00142315

3. IS THIS
REPORTNEW
(N)

OR

X

AMENDED
(A)4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report(Q1)July 15
Quarterly Report(Q2)X October 15
Quarterly Report(Q3)January 31
Quarterly Report(YE)July 31 Mid-Year
Report(Non-election
Year Only) (MY)Termination Report
(TER)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of(d) 30-Day
Post -Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

07

01

2010

through

09

30

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Rick Darnold

Signature of Treasurer

Electronically Filed by Rick Darnold

Date

03

15

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3X**
(Rev. 12/2004)

**DETAILED SUMMARY PAGE
OF RECEIPTS**

FEC Form 3X (Rev. 06/2004)

3 / 10

Write or Type Committee Name

BOYD GAMING POLITICAL ACTION COMMITTEE

Report Covering the Period: From: ^{M M}07 ^{D D}01 ^{Y Y W W}2010 To: ^{M M}09 ^{D D}30 ^{Y Y W W}2010

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees	3250.00	125867.28
(i) Itemized (use Schedule A)		
(ii) Unitemized	200.00	4970.26
(iii) TOTAL (add Lines 11(a)(i) and (ii) ➤	3450.00	130837.54
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b) and (c)) (Carry Totals to Line 33, page 5) ➤	3450.00	130837.54
12. Transfers From Affiliated/Other Party Committees	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5)	0.00	0.00
16. Refunds of Contributions Made to Federal candidates and Other Political Committees	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.)	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3)	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfer (add 18(a) and 18(b)).	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))	3450.00	130837.54
20. Total Federal Receipts (subtract Line 18(c) from Line 19)	3450.00	130837.54

11092653303

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**Use separate schedule(s)
for each category of the
Detailed Summary PageFOR LINE NUMBER:
(check only one)

PAGE 10 / 10

<input type="checkbox"/> 21b	<input type="checkbox"/> 22	<input checked="" type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26
<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

Any Information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (In Full)

BOYD GAMING POLITICAL ACTION COMMITTEE

A.

Full Name (Last, First, Middle Initial)

John Adler for Congress

Transaction ID: SB23.5072

Date of Disbursement

09 / 17 / 2010

Mailing Address P.O. Box 1024

City

Mt. Laurel

State

NJ

Zip Code

08054

Amount of Each Disbursement this Period

2000.00

Purpose of Disbursement

2010 Congressional General

Candidate Name

Category/
Type

Office Sought:

House

Senate

President

Disbursement For:

2010

Primary

X General

Other (specify) ▼

State:

District:

B.

Full Name (Last, First, Middle Initial)

RON KLEIN

Transaction ID: SB23.5089

Date of Disbursement

09 / 17 / 2010

Mailing Address 1900 Glades Road
Suite 200

City

Boca Raton

State

FL

Zip Code

33431

Amount of Each Disbursement this Period

2500.00

Purpose of Disbursement

General Election

Candidate Name

RON KLEIN

Category/
Type

Office Sought:

X House

Senate

President

Disbursement For:

2010

Primary

X General

Other (specify) ▼

State: FL

District: 22

C.

Full Name (Last, First, Middle Initial)

Trent for Congress

Transaction ID: SB23.5070

Date of Disbursement

09 / 02 / 2010

Mailing Address P.O. Box 357

City

Evansville

State

IN

Zip Code

47703

Amount of Each Disbursement this Period

2500.00

Purpose of Disbursement

2010 General

Candidate Name

Trent for Congress

Category/
Type

Office Sought:

House

Senate

President

Disbursement For:

2010

Primary

X General

Other (specify) ▼

State:

District:

SUBTOTAL of Disbursements This Page (optional) ▶

7000.00

TOTAL This Period (last page this line number only) ▶

17000.00

11092653304

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

BOYD GAMING POLITICAL ACTION COMMITTEE

ADDRESS (number and street) 6465 S Rainbow Blvd

Check if different than previously reported. (ACC) LAS VEGAS NV 89118

2. FEC IDENTIFICATION NUMBER CITY STATE ZIPCODE

C00142315

3. IS THIS
REPORTNEW
(N)

OR

X

AMENDED
(A)4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report(Q1)July 15
Quarterly Report(Q2)October 15
Quarterly Report(Q3)January 31
Quarterly Report(YE)July 31 Mid-Year
Report(Non-election
Year Only) (MY)Termination Report
(TER)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

X

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

11

04

2010

in the
State of

NV

(d) 30-Day
Post -Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 10 01 2010 through 10 13 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Rick Darnold

Signature of Treasurer Electronically Filed by Rick Darnold

Date 03 21 2011

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3X**
(Rev. 12/2004)

DETAILED SUMMARY PAGE OF RECEIPTS

FEC Form 3X (Rev. 06/2004)

3 / 5

Write or Type Committee Name

BOYD GAMING POLITICAL ACTION COMMITTEE

Report Covering the Period: From: ^M1 ^M0 ^D01 ^Y2010 To: ^M1 ^M0 ^D13 ^Y2010

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	0.00	125867.28
(ii) Unitemized	0.00	4970.26
(iii) TOTAL (add Lines 11(a)(i) and (ii)	0.00	130837.54
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b) and (c)) (Carry Totals to Line 33, page 5)	0.00	130837.54
12. Transfers From Affiliated/Other Party Committees	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5)	0.00	0.00
16. Refunds of Contributions Made to Federal candidates and Other Political Committees	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.)	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3)	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfer (add 18(a) and 18(b)).	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))	0.00	130837.54
20. Total Federal Receipts (subtract Line 18(c) from Line 19)	0.00	130837.54

11092653306

DETAILED SUMMARY PAGE of Disbursements

4 / 5

FEC Form 3X (Rev. 02/2003)

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Shared Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share.....	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures.....	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii) and (b))..... ➤	0.00	0.00
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	29000.00
24. Independent Expenditure (use Schedule E).....	0.00	0.00
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))	0.00	0.00
29. Other Disbursements.....	0.00	0.00
30. Federal Election Activity (2 U.S.C 431(20))		
(a) Shared Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	0.00	29000.00
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	0.00	29000.00

11092653307



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 23, 2011

Rick Darnold, in his official capacity as Treasurer
Boyd Gaming Political Action Committee
6465 S Rainbow Boulevard
Las Vegas, NV 89118

C00142315
AF# 2310

Dear Mr. Darnold:

On March 11, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Boyd Gaming Political Action Committee and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-General Report. The Commission also made a preliminary determination that the civil money penalty was \$550 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRETARIAT

2011 APR -7 P 4: 27

April 7, 2011

SENSITIVE

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2310 – Boyd Gaming
Political Action Committee and Rick Darnold, in his official capacity as
Treasurer (G00142315)

On March 11, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-General Report and also made a preliminary determination that the civil money penalty was \$550 based on the schedule of penalties at 11 C.F.R. § 111.43.

On March 17, 2011, the Commission received their written response ("challenge"). On March 21, 2011, the respondents filed an amended 12 Day Pre-General Report disclosing \$0 in total receipts and \$0 in total disbursements. After reviewing the challenge, the Reviewing Officer's recommendation dated March 22, 2011 was forwarded to the Commission, a copy was sent to the respondents, and is hereby incorporated by reference. Since the respondents' amended report indicates that the Committee had no activity during the 2010 12 Day Pre-General Reporting period, and the report is only required to be filed by a political committee that is not authorized by a candidate if contributions or expenditures are made during the reporting period, the Reviewing Officer recommended that the Commission take no further action and close the file.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

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OAR Recommendations

- (1) Take no further action in AF# 2310 that Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of *Boyd*)
)
Final Determination Recommendation –) AF 2310
Boyd Gaming Political Action)
Committee and Rick Darnold in his)
official capacity as Treasurer)
(C00142315)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 20, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2310:

1. Take no further action in AF# 2310 that Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer, violated 2 U.S.C. §434(a) and close the file.
2. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 27, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 28, 2011

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**Rick Darnold, in his official capacity as Treasurer
Boyd Gaming Political Action Committee
6465 S Rainbow Boulevard
Las Vegas, NV 89118**

**C00142315
AF# 2310**

Dear Mr. Darnold:

On March 11, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Boyd Gaming Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-General Report. By letter dated March 14, 2011, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$550 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On March 17, 2011, the Office of Administrative Review received the written response from you challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the challenge. Based on this review, the Reviewing Officer recommended that the Commission take no further action because you amended your 12 Day Pre-General Report to disclose no activity for the period, and as a political committee that is not an authorized committee of a candidate, you were only required to file the 2010 12 Day Pre-General Report if you made contributions or expenditures during the October 1 through October 13 reporting period, in connection with the 2010 general election. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 23, 2011.

On April 20, 2011, the Commission adopted the Reviewing Officer's recommendation to take no further action with respect to 2 U.S.C. § 434(a). A copy of the final determination memorandum is attached.


The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time

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following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

Attachment

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2310

DATE SCANNED

5/18/10

SCANNER NO.

2

SCAN OPERATOR

EES

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